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SEC

SERVICE DATE - LATE RELEASE JANUARY 8, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. 42060

NORTH AMERICA FREIGHT CAR ASSOCIATION — PROTEST AND
PETITION FOR INVESTIGATION — TARIFF PUBLICATIONS OF THE
BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY

STB Docket No. 42061

RAILWAY PROGRESS INSTITUTE COMMITTEE ON TANK CARS
PETITION FOR INVESTIGATION AND PROTEST PURSUANT TO EX PARTE NO. 328

STB Docket No. 42062

THE CHLORINE INSTITUTE, INC. — PROTEST AND
PETITION FOR INVESTIGATION — TARIFF PUBLICATIONS OF
UNION PACIFIC RAILROAD COMPANY

STB Docket No. 42063

RAILWAY PROGRESS INSTITUTE COMMITTEE ON TANK CARS
PETITION FOR INVESTIGATION AND PROTEST PURSUANT TO EX PARTE NO. 328

STB Docket No. 42064

E. I. DUPONT DE NEMOURS AND COMPANY —
PROTEST AND PETITION FOR INVESTIGATION

Decided: January 7, 2002

In a letter filed January 3, 2002, all of the parties in these proceedings request that the Board extend until February 19, 2002, the effect of the decision in these proceedings served on November 20, 2001 (November 20 decision), which decision held a prior decision in abeyance. The request will be granted.

In a decision served October 18, 2001 (October 18 decision), the Board ordered that these proceedings be put on hold while parties and interested individuals and organizations negotiate concerning the storage and diversion issues raised relating to the 1986 Agreement prescribed in Investigation of Tank Car Systems, 3 I.C.C.2d 196 (1986). The parties were directed to give the

Board a written report on the progress of the negotiations by January 16, 2002. In the November 20 decision, the Board held the October 18 decision in abeyance until January 4, 2002, because the parties had requested time to determine whether they could amicably resolve the issues without reopening the 1986 Agreement for negotiations.¹

In the January 3, 2002 letter, the parties indicate that, while they have not resolved the issues pertaining to the application of private car storage charges and procedures, “it appears that additional time beyond January 4 for the parties to continue their discussion would be beneficial in allowing meaningful exploration of such a resolution.” The letter indicates that the negotiations have taken longer than expected because of the need to conduct separate discussions between different parties, and the limitations on the availability of key personnel due to business activities and the holidays. The letter states that the parties will report to the Board if it appears that they will not be able to resolve the issues.

The January 3 request will be granted. All parties to these proceedings support extending the effect of the November 20 decision holding the October 18 decision in abeyance and the request is reasonable.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The October 18 decision will be held in abeyance until February 19, 2002. Parties shall inform the Board if they cannot reach a resolution.
2. The time for filing petitions for reconsideration or clarification of the October 18 decision is extended to 20 days after the end of the negotiations.
3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

¹ The Board also extended the time for filing petitions for reconsideration or clarification to 20 days after the end of the negotiations.